

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

PHILLIP DURAN,

Plaintiff,

vs.

No. CV-08-0962

DOMINO'S PIZZA, LLC,

Defendant.

DEFENDANT'S MOTION TO DISMISS

COMES NOW Defendant, Domino's Pizza, LLC, by and through its counsel of record, and hereby moves to dismiss the above cause of action on the following grounds:

1. Defendant is not subject to the personal jurisdiction of this Court; or
2. Venue is improper (this Defendant does not reside in this district and no part of the events or omissions giving rise to the claim occurred in this district).

The Defendant more fully develops the grounds for this Motion in Defendant's Memorandum of Law Supporting its Motion to Dismiss filed concurrently with this Motion.

Counsel for Plaintiff has been contacted regarding this Motion to Dismiss and opposes same.

MILLER STRATVERT P.A.
300 West Arrington, Suite 300
Post Office Box 869
Farmington, New Mexico 87499
Telephone: 505/326-4521

By s/ Seth V. Bingham filed 10/28/08
SETH V. BINGHAM
Attorney for Defendant

I hereby certify that on October 28, 2008, a copy of the foregoing was served as shown by the CM/ECF filing notice, and “if by other means” is shown on the filing notice, then by first class mail postage prepaid.

s/ Seth V. Bingham
Seth V. Bingham